



Institute on Religion and Public Policy Report:

Religious Freedom in the Cambodia

Executive Summary

Although the Khmer Rouge only ruled Cambodia for four years (1975-1979), they inflicted traumas so deep and lasting the country is still recovering. During Pol Pot's reign religions and citizens in Cambodia were subject to some of the harshest treatment seen in the twentieth century. Reconstruction efforts began in 1979, but they were hampered by the fact that the Khmer Rouge remained a significant guerilla force until Pol Pot's death in 1998 and by the rampant corruption throughout the government. The country remains poor and divided, and as a result religious communities are increasing their involvement in reconstruction efforts.

A vast majority of Cambodian citizens are Theravada Buddhists, but there are small Mahayana Buddhist, Muslim, and Christian minorities. Theravada Buddhism has been a part of Cambodian culture since at least the 5th century CE. Reflecting the importance of this tradition, the Constitution officially recognizes Theravada Buddhism as the state religion and the government supports the Buddhist community. Despite official promotion of Buddhism, the Constitution also provides for religious freedom. The government implements this ideal by pursuing policies intended to create an environment of tolerance, but, religious freedoms are periodically abridged. The government continues to strive for adherence to the obligations set forth in the Constitution and to its obligations as a member of the international community to promote and protect religious freedom.

Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Legal Framework

The Constitution begins by asserting that Cambodia's restoration must inherently include protections for human rights. Chapter III defines these rights further: Article 31 expressly states that Cambodia will recognize and respect the UN Charter and the UDHR. Subsequently, Article 43 provides for freedom of belief and freedom to practice that belief. Article 43 also designates Buddhism as the official religion of Cambodia, which allows the Government to promote and observe Buddhist holidays, train and educate monks, and to support a Buddhist and Khmer research institute.

The Ministry of Cults and Religions monitors religious affairs in Cambodia, and it requires religious groups to register if they intend to build houses of worship. As a practical matter registration is not required to exist as a religious group or to hold religious services. Rather, it is used as a tool to provide religious groups with the legal status necessary to purchase property and act as a legal entity. The application process requires religious groups clearly state their purpose and activities, and the government may deny an application if the purpose or activities would undermine national security or create internal strife. There are no reports that groups have had difficulty in obtaining approval to build houses of worship.

The Ministry of Cults and Religious Affairs also promulgated the Directive on Controlling External Religions in 2003. This regulation provides further limitations on building houses of worship. It requires that all houses of worship and religious schools be registered with the government. It also states that houses of worship must be at least 2 Km apart and cannot be used for political purposes or to house criminals. They have not applied this law retroactively to houses of worship that were built before the law was enacted.

The Directive on Controlling External Religions also banned proselytism. It not only bans the traditional door-to-door style proselytism, it also bans using loudspeakers in public places and providing conversion incentives. However, because Cambodia is one of the poorest countries in the world and because it receives a significant amount of aid from faith based humanitarian organizations, missionary activities and similar humanitarian efforts provided by religious groups were not banned. This portion of the law was reissued in June 2007 because government officials feared that children were being inappropriately enticed to convert from Buddhism to Christianity. In addition to the prohibitions set out in 2003, the new regulation also prohibits distributing religious literature except at churches.

With Buddhism as the official state religion, the government allows public schools to teach Buddhism while prohibiting non-Buddhist teachings. However, the government appears to be making attempts to support religious freedom in public schools. In May 2008 the government declared that Muslim students must be allowed to wear Islamic religious attire in class.

Instances of Official Discrimination

As the predominant religious group, Buddhists retain a significant degree of religious liberty; however, Khmer Krom Buddhists from neighboring Vietnam are often treated with disdain. The Vietnamese government has persecuted the Khmer Krom community for years because of their perceived nationalist aspirations. Many Khmer Krom flee to Cambodia where they face huge hurdles to becoming Cambodian citizens, which subjects them to serious economic, social, and political discrimination. The Cambodian government is closely allied with the Vietnamese government. Consequently, they tend to react harshly to protests led by Khmer Krom monks, particularly when they denounce the Vietnamese government. The police broke up a 2007 protest led by Khmer Krom monks using force and a Khmer Krom monk died under suspicious circumstances. In June 2007 Cambodian officials arrested, defrocked, and deported activist monk Tim Sakhorn. He was then sentenced in a Vietnamese court to a year in prison.

While most Cambodians are Buddhist, there are small communities of Muslims, Christians, Baha'i, and Cao Dai and the government appears to be making legitimate efforts to promote religious tolerance and acceptance. However, the government periodically takes steps that undermine the legitimacy of their intentions to promote religious freedom. The re-issuance of the Directive on Controlling External Religions is a prime example. Although the regulation does not completely ban proselytism, it makes it nearly impossible as a practical matter because it prohibits religious groups from spreading their faith in public.

Additionally, in August 2007 Joyce Meyer Ministries in partnership with other Christian groups intended to host a humanitarian and evangelical program entitled "Hope Cambodia." This was a 30 day program that culminated in three large public gatherings at stadiums in Phnom Penh. However, the government alerted the groups one week ahead of time that they would not be able to hold their meetings at the stadiums. They relocated the events to smaller venues, but on the first night with nearly 4,000 in attendance the police arrived and announced the event was cancelled and cut off the electricity. The Christian groups cancelled subsequent events.

Societal Discrimination

Another problem plaguing Christian groups in Cambodia is the perception that they are foreign. Christianity came to Cambodia with some of the earliest missionaries in the 17th and 18th centuries. Clergy positions became filled almost entirely by indigenous peoples until the Khmer Rouge took over and killed or expelled most religious leaders. This left Christian groups relying on foreign sources for their leadership, which reinforces the notion that Christianity is a foreign religion and may fuel some societal intolerance.

A Christian church near Phnom Penh was attacked by a group of local Buddhist residents in May 2006. They were angry because the Christian group built the church within 700 meters of their pagoda, in violation of the law, and they took matters into their own hands. The chief of the district, Che Saren, explained that the Buddhists felt threatened by the visible presence of another church in the area that could provide an alternative source of spiritual sustenance to the predominantly Buddhist community. Ultimately, the government served as mediator and the matter was resolved peaceably through compromise.

Muslims also suffer from the perception of being foreign. Most Muslims in Cambodia are members of the Cham ethnic minority and a few are ethnic Malays. Thus, religious intolerance towards this group is also closely intertwined with ethnic discrimination. The Cambodian Muslim community is currently in a state of flux and these changes are driven by poverty, discrimination, and outside influences. The Khmer Rouge nearly decimated the Muslim community and they are now in the lower rungs of Cambodian society, which increases their needs and makes financial aid critical to their survival. This has opened the doors for outside Muslim influences, which legitimizes the perception that Islam is foreign. The greatest sources of funding for mosques and madrassas are the Middle East and the US. The Cambodian government has shut down madrassas fearing their connections with terrorist groups, but none have been closed since 2003.

Furthermore, these outside influences are changing the internal composition of Cambodia's Muslim community creating a more conservative culture. Local Muslim communities are divided over whether to adhere to their traditional beliefs and practices or to incorporate the new practices of outside influences into their lives. This led to occasional tensions with groups that receive money from Saudi Arabia, Kuwait, Malaysia, and Indonesia.

Despite the exalted position of the Buddhist community within Cambodian society, the monastic community is a growing problem for the government. In 1979 there were seven monks in Cambodia, now there are over 55,000 many of whom joined monasteries temporarily to escape poverty, honor family members, or study Buddhism. This rapid growth is leaving many monks unsupervised, and as a result, many have been caught perpetrating crimes that are embarrassing to the larger Buddhist community. They have been caught stealing, raping, and murdering. In November 2008 a 17 year old monk made international headlines when he was arrested for raping a British tourist. Meas Nhel, Minister of Cults and Religious Affairs, claims that misbehavior in the monastic community is due to "fake monks" and legitimate monks that are visiting from the countryside. To deal with this growing problem the government may require monasteries to inform the government anytime a monk visits from a different city.

Positive Trends

Last year the government took moderate strides in promoting its stance on religious tolerance. For example, in May 2008 the Government directed that Muslim students must be allowed to wear Islamic attire in class. That same month 2 Islamic prayer rooms were opened at the international airport in Phnom Penh. Speaking at the inauguration of a new mosque, Cambodian Prime Minister, Hun Sen called for religious tolerance and acceptance of Muslims. He also asked international media to be slower in placing the blame for terrorist attacks on the Muslim community.

Also on July 27, 2008, Cambodian monks were given the opportunity to vote in their first general election. The Buddhist community's Supreme Patriarch Tep Vong banned monks from voting ten years ago after a violent demonstration against Hun Sen's government which left at least two monks dead.

United States Foreign Policy toward Cambodia

The United States' relations with Cambodia have been intermittent since its independence due to the Vietnam War and various coups and revolutions. However, the United States has given much aid to Cambodia since Congress lifted the 1997 ban on aid three years ago. The United States promotes health, education, economic development and governance with its aid. Other United States projects in Cambodia are promoting counterterrorism efforts, human rights and democracy; locating missing Americans from the Vietnam War and other Indochina conflicts; reducing the prevalence of HIV/AIDs; and bringing those responsible for serious human rights violations under the Khmer Rouge to justice.

Conclusion

After decades of civil war and social unrest Cambodia, once nicknamed "The Killing Fields," is slowly recovering. In February 2006, with help from the UN, Cambodia opened the administrative offices of its long awaited genocide tribunal. The process of trying former members of the Khmer Rouge for genocide and associated crimes may be the biggest step the Cambodian government can take to mend the wounds inflicted on the country during the 1970s. The tribunal has been hampered by a lack of funding and procedural missteps. However, Kaing Guek Eav, also known as Duch, who headed the S-21 prison, the Khmer Rouge's largest torture facility, was finally charged in August 2008. His trial was expected to begin in September 2008, but appeals were filed to charge him with more crimes delaying the start of his trial to early 2009.

In addition to prosecuting the Khmer Rouge's crimes, the government must also continue to uphold the Constitution by supporting religious freedom. Supporting the rights of Muslims to wear traditional Islamic attire and opening Muslim prayer

rooms in Phnom Penh's airport are positive steps. However, the Cambodian government and the international community cannot become complacent. The Muslim community is changing and the government will undoubtedly have to face new and difficult questions in the future. The Christian community's growth is hampered by the ban on proselytism. The government must bring their laws into accord with international standards; changing the proselytism ban to impose more fair time, place, and manner restrictions would allow the government to protect its interests in protecting the safety of its citizens while continuing to promote religious liberty. Finally, tensions between religious communities must be dealt with amicably. The government has already served as a mediator between the Buddhist and Christian communities. The Ministry of Cults and Religious Affairs should establish a more permanent mediation procedure to address these issues.